



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Patent Application of

MAERTENS, et al.

Atty. Ref.: 2551-69

Serial No. 09/995,860

Group: 1648

Filed: November 29, 2001

Examiner: LI, BAO Q

For: PURIFIED HEPATITIS C VIRUS ENVELOPE PROTEINS FOR DIAGNOSTIC AND
THERAPEUTIC USE

* * * * *

February 22, 2005

Mail Stop 16

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

REFUND REQUEST

A Refund of the difference between the cost of the attached RCE (\$790) and the cost of an Information Disclosure Statement fee (\$180), i.e., refund of \$610 to the undersigned's Deposit Account 14-1140, is requested as the undersigned submits that the attached RCE would not be required for consideration of the attached reference, and only an IDS fee would have been required, had the Examiner not issued the premature final rejection of October 19, 2004. Refund of \$610 to the undersigned's Deposit Account No. 14-1140 is requested.

The final rejection, in the Office Action of October 19, 2004, of claim 17 over WO96/04385A2 is a new rejection which was not necessitated by the applicants Amendment of July 14, 2004. The finality of the Office Action dated October 19, 2004 should be withdrawn and a new non-final Action mailed in the event the Examiner

MAERTENS, et al.
Serial No. 09/995,860
February 22, 2005

believes claim 17 is unpatentable over the art. Claim 17 was not amended in the Amendment of July 14, 2004.

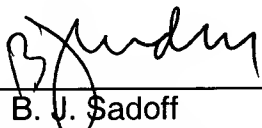
Similarly, the Section 112, second paragraph, rejection of claim 17 and the obviousness-type double patenting rejection of claim 17 were not necessitated by the applicants Amendment of July 14, 2004. The finality of the Office Action dated October 19, 2004 should be withdrawn and a new non-final Action mailed in the event the Examiner believes claim 17 is unpatentable for any reason. Claim 17 was not amended in the Amendment of July 14, 2004.

Refund of \$610 to the undersigned's Deposit Account 14-1140, is requested

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____


B. J. Sadoff
Reg. No. 36,663

1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100